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Willie Lewis Brown, Jr.
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

Date	Wednesday, January 15, 2003
Time	5:30 - 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and introductions
2. Approval of Minutes of December 18, 2002 meeting.
3. Commissioner's Report
4. Director's Report: December Quarterly report
5. Discussion Item:
HRC Staff Draft of recommendations of evaluation of 12D.A reauthorization
6. Old/New Business: MWLBE Advisory Committee Task Force evaluation of recommendations for 12D.A Reauthorization.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, February 19, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair:	Commissioner Charles Ward
Co-Chairs:	Commissioner Shirley Dimapilis and Commissioner Malcolm Heinicke.
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members:	Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Vaneese Johnson, Bahram Khamenehpour, Darlene Mar, Ismael Puga, Michael Silva and Jory Steele.

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The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.

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City and County of San Francisco
Human Rights Commission

January 15, 2003

≡ Minutes Of January 15, MBE/WBE/LBE
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Advisory Committee Meeting

Commissioners Present: Charles Ward, Chair

Malcolm Heinicke, Co-Chair.

Commissioner Excused: Shirley Dimapilis, Co-Chair

Members Present: Vaneese Johnson, Sabrina Hernandez, James Kennedy, Darlene Mar
and Michael Silva.Members Absent: Christina Bui, Bayardo Chamorro, Mohammed Herzellah, Bahram
Khamenehpour, Ismail Pugged and Jory Steele.

Committee Staff Present: James F. Fields, Bayard Fong and Selormey Dzikunu.

Other Staff Present: Veronica Ng and Diana Rathbone.

Item 1: Call To Order and Introductions:

The quorum for the meeting was attained at 6:25 p.m.

Item 2: Approval of Minutes:

The MBE/WBE/LBE Advisory Committee minutes of December 18, 2002
was approved.

Item 3: Commissioner's Report:

Commissioner Ward stated that the main focus of the meeting will be to
review the staff recommendations for the reauthorization of the 12D
Ordinance and come out with the Committee's own recommendations for
the Human Rights Commission. Commissioner Ward also stated that at
the January 9th, Human Rights Commission Hearing the public testimony
generally supported the reauthorization of the 12D Ordinance.

Item 4: Director's Report:

James Fields presented the Directors Report on behalf of Ms. Virginia
Harmon. He stated that as requested by Commissioner Ward he met with
Mr. Ed Tong and received his recommendations for the reauthorization

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of 12D. The rest of the Directors Report involved the December Quarterly Report, which was presented to the Committee by Mr. Roel Villacarlos and Ms. Melinda Kanios.

Ms. Darlene Mar stated that the report could be written so that it shows Fiscal year, Award and Actual Dollars Received. She also asked if the full Report could be e-mailed to members of the Committee who want it. The Chair asked the presenters if the Report could be modified to answer specific questions.

Commissioner Ward commended HRC staff for the Report and also observed that there has been a drastic improvement in data submitted by Departments. He said this is a result of previous Committee discussion and recommendations.

Mr. Villacarlos provided a summary of the Report and explained the Mayors MBE/WBE participation Goals for September to December 2002 by industry. For Example the Mayor's goal for construction is 32% MBE. The actual participation was 23%.

The chair wanted to know if the participation percentage included sales tax of 8.5%

V. Ng responded that the sales tax is included.

Commissioner Ward stated that perhaps it makes better sense to back out the sales tax. However, it would require re-calculating. He noted the question is, is this an accurate comparison? He asked HRC staff to provide answer at the next meeting.

Melinda Kanios stated that the Mayor's goals in the construction industry is 14% for MBEs and 8.3% for WBE.

Commissioner Ward noted that the MBE goal for construction is 32% and 14% WBE represents a total of 46%. This appears to be an ambitious goal. For Architects/Engineers A/E 16% goal, the actual utilization is 11%.

Commissioner Ward observed that the participation level for purchasing, telecom, and other professional services is very low.

Mr. Villacarlos noted that historically the City has done poorly in these areas. He said if a vendor has been used for the past 3 years, there has been a practice to renew the contract, if there were no sub-goals involved, then there would be no subcontracting goals associated.

Commissioner Ward inquired if the charts presented by HRC staff were understandable.

Commissioner Ward inquired if there were any more questions.

Mr. Silva asked if registered firms are among the non-certified total.

Mr. Villacarlos answered yes.

Commissioner Ward suggested if committee members have individual questions

they can call up staff directly with our questions.

Mr. Villacarlos explained the next set of data is by department. It notes which departments needed to update encumbrances- entered data for the diversity tracking system. We did a massive error report. Most departments did comply. The Advisory Committee did process a letter to all departments asking them to comply with their reporting.

Commissioner Ward pointed out that is a direct result of efforts by this committee. He thanked the staff and said the reporting has improved over time. It is more easily understood. He also commended the committee regarding the recommendations made to the commission to take action. This he pointed out gave us positive results.

ITEM 5. STAFF RECOMMENDATIONS FOR MODIFICATIONS & CLARIFICATIONS OF CHAPTER 12D.A.

Section 12D.A.5 Definitions.

1. "Commercially Useful Function." M/WBE credit for distributors of items that are normally purchased directly from the manufacturer should be limited to 5%.

2. "Economically Disadvantaged Business."

A. The economic threshold for certification for businesses providing professional services should be increased from \$2 million to \$2.5 million.

B. The economic threshold for certification for specialty construction contractors should be increased to from \$5.0 million to \$7.0 million.

3. "General Services Contracts." A definition of general services contracts should be added to the Ordinance. General services contracts should be defined as contracts for services that are put out to bid rather than awarded through an RFP procedure. The provisions of the Ordinance should apply to all general services contracts of \$5,000.00 or more.

Section 12D.A.9 Powers and Duties of Contract Awarding Authorities.

1. Section 12D.A.9.A.3. The thresholds for the HRC Director's review of large contracts should be raised from 50K to 300K for professional services.

2. Section 12D.A.9.D.5. The department's responsibility to monitor compliance with the Ordinance should be confirmed and clarified.

3. Section 12D.A.9.D.6. Prime contractors should be required to compensate MBEs and WBEs in the amount of 5% of the dollar value of their subcontract if they are not utilized as originally committed in the bid or proposal and when the contractor has not received permission to substitute from both the awarding authority and HRC. This penalty should be in addition to any liquidated damages levied against the prime contractor.

Section 12D.A.11 Purchasing Contracts

1. The provisions of the Ordinance should apply to contracts of

\$5,000.00 or more (make sure amount is consistent with the Purchasing Department's Rules and Regulations for the award of formal and informal contracts).

Section 12D.A.15. Exceptions and Waivers

1. Section 12D.A.15.A.2. Departments should submit an emergency waiver request whenever an emergency waiver is requested under Chapter 6 of the Administrative Code:

- Emergency work which must begin within 72 hours of the start of the emergency should be exempt from the Ordinance, except for the requirement of including M/WBEs amongst the firms that all contacted to perform the work.
- Emergency work which will begin more than 72 hours, but less than four weeks, after the start of the emergency, should require the application of the discount and the establishment of "best effort" subcontracting goals.
- Emergency work which will begin more than a month after the start of the emergency should require the normal application of all the provisions of the Ordinance.

2. Section 12D.A.15.D. A threshold of \$10 million dollars, above which the requirements of the Ordinance are waived, should be established for all contracts.

Section 12D.A.17. Subcontractor Participation Goals - Public Works, Construction and Professional Services; Subcontractor Program.

1. A section requiring the establishment of subcontracting goals for general services contracts should be added to the Ordinance.
2. The Ordinance should specify that subcontracting goals should be established for revenue generating professional and general services contracts.
3. The Ordinance should specify that the prime contractor's failure to contact MBEs and WBEs that they list for MBE or WBE credit on their bids or proposals will result in the bid or proposal being determined non-responsive.

Commissioner Ward introduced discussion of Staff recommendations For Modifications and Clarifications of Chapter 12D.A as the next item. Mr. J. Fields recognized the support of Ms. Diana Rathbone and Ms. Veronica Ng in putting the recommendations together.

Mr. T. Lewis pointed out he had a problem regarding item #1 under Section 12D.A.5 Definitions, of the Staff Recommendations,

"Commercially useful function." M/WBE credit for distributors of items that

are normally purchased directly from the manufacturer should be limited to 5%."

This according to him represents a form of restrictive trade policy.

Ms. Veronica Ng explained that this change has been proposed by staff because the dollar amounts of some purchased items on certain city projects are so large that it skews the data for meeting HRC goals. She gave the example of a construction of a pump station which may require \$500,000 to purchase the pump, and \$50,000 to install the pump. Mr. T. Lewis pointed out that as a distributor he has to take full responsibility for purchasing and stocking his goods. He felt this policy is discriminatory. V. Ng pointed out that those who maintain inventory who get 60% credit and this amendment is meant for items that are not normally stocked.

Commissioner Ward suggested that since these are staff recommendations, anybody who has other opinions on this matter may to provide a letter to the Commission.

T. Lewis stated that he sent a 20 page document, 2 weeks ago to the HRC. Commissioner Ward asked James to make sure the letter be made part of the record.

The Committee voted to clarify awarding departments responsibility to enforce 12D.A. Ms. Darlene Mar made the motion and was seconded by acclamation.

On the issue of Prompt Payment the Committee voted to recommend a Provision in the Ordinance for Prompt Payment of undisputed invoices. Mr. Mike Silva made motion to recommend Prompt Provision to the Commission and was seconded by James Kennedy and Ms. Vaneese Johnson.

The Committee agreed there was the need to increase the Economic threshold for certification of businesses providing professional services but could not agree on by how much. The motion by James Kennedy to increase the threshold by 10% or by \$500,000 was defeated 3 to 4. A second motion by Mr. Silva to increase the economic threshold by the rate of inflation from 1984 to the present was not seconded.

Commissioner Ward asked asked if there were any more questions regarding the staff recommendations.

ITEM 6: Old /New Business: Task Force Evaluation of Recommendations for 12 D.A Reauthorization.

Ms. Diana Rathbone said 4 main themes were identified:

1. Effective Monitoring of Departments by HRC Contract Compliance Officers
2. Clarification of Departments role in Enforcement of Ordinance.
3. Prompt Payment
 - a. When subcontractors complete their portion, they should get full payment including retention.

b. Immediately pay undisputed amount.

4. Increase Economic Threshold

ITEM 7: ANNOUNCEMENTS: Chair announced that members should be on time for the next meeting.

ITEM 8: Meeting Adjourned at 7:40p.m.

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A G E N D A

1. Call to Order and introductions.
2. Approval of Minutes of January 15, 2002 meeting.
3. Commissioner's Report.
4. Director's Report:
5. Discussion and Possible Action Item:
Amendment of Committee's Recommendation For 12D.A Reauthorization.
 - A) Certification Threshold For Suppliers. (Proposal For HRC to consider Net Income instead of Gross Income).
 - B) Department Work Orders For HRC Contract Compliance Officers.
6. Old/New Business: Coalition For Economic Equity 12D.A Recommendations.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, March 19, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair:	Commissioner Charles Ward
Co-Chairs:	Commissioner Shirley Dimapilis and Commissioner Malcolm Heinicke.
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members:	Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Vaneese Johnson, Bahram Khamenehpour, Darlene Mar, Ismael Pugada, Michael Silva and Jory Steele.

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The Committee meets on the third Wednesday of the month at 5:30 p.m., 25Van Ness Avenue, 8th Floor.

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Minutes Of February 19, 2003, MBE/WBE/LBE Advisory Committee Meeting

Commissioners Present: Charles Ward, Chair
Shirley Dimapilis, Co-Chair
Members Present: Sabrina Hernandez, James Kennedy, Darlene Mar, Michael Silva, Christina Bui,
Bayardo Chamorro, Mohammed Herzellah, Bahram Khamenehpour, Ismail Pugeda .
Member Absent: Jory Steele.
Committee Staff Present: Bayard Fong and Selormey Dzikunu.

Item 1: Call To Order and Introductions:
The quorum for the meeting was attained at 5:35 p.m.

Item 2: Approval of Minutes:
The MBE/WBE/LBE Advisory Committee minutes of January 19, 2003 was approved.

Item 3: Commissioner's Report:

Commissioner Ward reported that the Commission discussed and voted on the staff and Committee recommendation to exclude city employee owned businesses from being certified. He explained the vote was 4 to 3 in favor of the recommendation. The item he pointed out was not passed because a total of 6 votes were needed to pass the item. Commissioner Ward noted a letter from the Coalition of Economic Equity, which supported the recommendation to exclude City employees who own businesses from being certified as an MBE/WBE.

Item 4: Director's Report:

Bayard Fong on behalf of the Director stated that members of the Advisory Committee who wish to serve another term should indicate their interest in a letter to staff. Commissioner Ward asked if this could be done electronically by E-mail, staff said yes. Commissioner Ward requested staff to send out a reminder to committee members to provide a response.

Item 5: Discussion And Possible Action Item:
Amendment of Committee's Recommendation For 12D.A Reauthorization.

- A) Certification Threshold For Suppliers
- B) Department Work Orders For HRC Contract Compliance Officers.
- C)

Todd Lewis, owner of Omega Pacific Electrical Supply reviewed the current level of 5million average annual gross receipts. Mr. Carlos Quiroz, owner of Centennial Distributors. explained that with the \$5,000,000 threshold, one contract to supply items for the construction a building could put a supplier over the current economic threshold. The profit margin he said is very tight, with 3 to 5% for profit, overhead runs about \$450,000, payroll \$350,000 and the cost of goods. It is difficult for a small business to expand. He believes the level should be increased up to \$12 million. He pleaded that if the threshold is not increased, he will lose his eligibility for certification with other departments, and agencies. "We are at a great disadvantage with larger national firms" he pointed out.

Ms. Darlene Mar asked Mr. Quiroz how many employees he has and if they live in San Francisco. He stated that he had 11 employees.

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Ms. Mar noted that the economic threshold was raised when the 12D.A Ordinance was previously reauthorized. She stated that firms can't come back every year to ask for an increase in the threshold. She wanted to know how this increase will impact all the other suppliers who are not in the electrical and construction supplies industry.

Mr. Todd Lewis provided a report for the year 2002, the top 10 firms, he stated ended up with 90% of the business. He pointed out that the bigger firms are buying from the manufacturers at 20 to 30% discount and that most Prime Contractors won't use certified suppliers to meet their HRC goals because it is not cost effective.

Commissioner Ward asked, "Where is the break point".

Mr. Todd Lewis stated that the Federal guideline is \$14 million. He suggested \$10 million.

Commissioner Ward asked Mr. Lewis how the HRC's "current guidelines position your firm"? He stated "We are being shut out".

Commissioner Ward asked, If we move to \$10million what would it do for other suppliers ?

Mr. Lewis said he believes it would be a happy medium that is customized for the City and County of SF.

Commissioner Ward asked if the suppliers could show over time how costs, and the cost of doing business has increased over the years.

Mr. Lewis pointed out that State and Federal levels are higher.

Commissioner Ward asked, isn't the reason, that the State and Federal projects are much larger?

Mr. Chamorro pointed out that he did not think it is fair to raise suppliers and not raise specialty contractors certification thresholds.

Commissioner Ward pointed out that the Committee oversees the enforcement of the 12D.A Ordinance. Firms can make the argument.

Mr. James Kennedy pointed out that Suppliers have to use physical space, administration costs, shipping cost and cover fixed costs. At \$5million the current level just covers fixed cost. He stated that the City of Sacramento uses the state threshold.

Commissioner Ward stated that the cost of doing business pushes companies up towards graduation from the program sooner than they otherwise would and artificially graduates them out of the program.

Mr. Herzallah pointed out that he was concerned about how the increase would affect smaller HRC certified suppliers.

Ms. Bui also needed further explanation of how the increase would affect the smaller firms.

Mr. Lewis pointed out that Ten or 12 Million level is needed to compete in the industry.

Mr. Peguda was concerned about the other type of suppliers, medical, janitorial, automobile etc.

Commissioner Ward stated that Suppliers are specialized in special areas, but the HRC's definition does not differentiate.

Ms. Darlene Mar made motion to raise the certification threshold for suppliers from \$5million to \$10million. The motion was passed unanimously.

- Item 5(B) The Committee briefly discussed the issue of Work Orders for HRC Contract Compliance. Commissioner Ward wanted Officers and decided that it needed more information on the topic.
- Item 6: Old /New Business:
- Item 7: Announcements: Next meeting will be held on March 19, 2003.
- ITEM 8: Meeting Adjourned at 7:10p.m.



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City and County of San Francisco
Human Rights Commission

March 19, 2003

Minority/Women/Local Business Enterprise Advisory Committee Meeting

AGENDA

Date Wednesday, March 19, 2003
Time 5:30 - 7:30 PM
Location Human Rights Commission
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San Francisco, CA 94102

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4. Director's Report:
5. Discussion Item:

Department Work Orders For HRC Contract Compliance Officers.

6. Old/New Business:
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, April 16, 2003

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MBE/WBE/LBE COMMITTEE MEMBERS: IF YOU ARE NOT ABLE TO ATTEND THE MEETING, PLEASE NOTIFY JAMES FIELDS AT 650-821-7796. THREE ABSENCES MAY RESULT IN REMOVAL FROM THE COMMITTEE.



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THIS IS A PUBLIC MEETING. AT THE DISCRETION OF THE CHAIR, PUBLIC COMMENT MAY BE HEARD AFTER COMMITTEE DISCUSSION OF A SPECIFIC ITEM ON THE AGENDA.

AGENDA

1. Call to Order and introductions
2. Approval of Minutes of February 15, 2002 meeting
3. Commissioner's Report
4. Director's Report:
5. Discussion Item:
 Department Work Orders For HRC Contract Compliance Officers.
6. Discuss:
 New 12D.A Rules & Regulations
7. Old/New Business
8. Announcements
8. Adjournment

NEXT MEETING: Wednesday, May 21, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Charles Ward
Co-Chairs: Commissioner Shirley Dimapilis.
Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members: Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugeda and Michael Silva.

The MBE/WBE/LBE Community Advisory Committee advises the Commission and its staff on the implementation of the Minority/Women/Local Business Utilization Ordinance (Chapter 12D of the Administrative Code).

The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.

Minutes Of April 16, 2003, MBE/WBE/LBE Advisory Committee Meeting

Commissioners Present: Charles Ward, Chair
Shirley Dimapilis, Co-Chair
Members Present: Sabrina Hernandez, James Kennedy, Darlene Mar, Michael Silva, Mitchell Bayardo
Chamorro, Ismail Pugeda, Mathew Huey, Jim Mitchell, Priya Sanger.
Member Absent: Christina Bui, Mohammed Herzallah, Bahram Khamenehpour
Committee Staff Present: James Fields and Selormey Dzikunu.

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- Item 1: Call To Order and Introductions:
The quorum for the meeting was attained at 5:38 p.m. and meeting was called to order at 5.40p.m. All present and new committee members Jim Mitchell and Ms. Priya Sanger introduced themselves.
- Item 2: Approval of Minutes:
The MBE/WBE/LBE Advisory Committee minutes of February 19, 2003 was approved. Motion to approve was made by Mr. Bayardo Chamorro and seconded by Commissioner Dimapilis.
- Item 3: Commissioner's Report:
Commissioner Ward reported that the Human Rights Commission sent the recommendations for 12D reauthorization to the Board of Supervisors. He stated that Supervisor Fiona Ma will be carrying it. He noted that Supervisor Ma's first Draft did not include the commission's recommendation to increase the economic threshold for suppliers to \$10 million.
- Item 4: Director's Report:
There was no Director's Report.
- Item 5: Discussion Item: HRC Staff Work Orders.
Commissioner Ward stated that under the current system Contract Compliance Officers are requisitioned by other departments and he feels there is a quasi inherent conflict of interest when a City Department has the capacity to pay or withhold payment to the HRC for oversight of its compliance with the ordinance. The role of the Advisory Committee, he pointed out is to make a recommendation to the Commission that supports an approach of funding the HRC that prevents any influence from the departments.
Mr. James Kennedy suggested the idea that, departments could contribute a fixed amount to work orders and in addition a variable amount depending on the projected contracting level. Mr. Chamorro suggested funding the HRC through the City general fund.
Mr. Pugeda pointed out that controlling the funding of HRC contract monitoring staff from outside the departments might lead to an increase in the cost of projects.
Ms. Mar said that this issue was considered by the MBE Committee 3 years ago and disagreed with Mr. Pugeda's assertion that control of the funding of HRC Contract Compliance staff would increase the cost of projects.
Mr. Huey pointed out that the role of HRC staff in asking reluctant Departments and project managers to breakdown contracts into smaller portions in order to allow the economically disadvantaged firms to bid on the large City contracts is very crucial and an independent funding source for HRC staff would enhance their contract review and monitoring functions without the fear of any City Department withholding their funding.

Mr. Ward stated that from his experience Department Heads call shots. They call shots in favor of people they know and they call shots against people they do not know or do not favor. He pointed out that the HRC's quarterly reports have consistently shown that these Departments are not meeting the Mayor's goals for proportional representation in the award of contracts. The Commissioner recalled an overwhelming number of testimony from MBE/WBE and LBE economically disadvantaged firms from the 12D reauthorization hearings, telling the Committee, there had to be more oversight and more intensive review and monitoring of Departmental contracting and compliance with 12D. He said that from the waiver requests reports he has seen he believes there is reluctance by departments to voluntarily comply with the 12D Ordinance. Under the work order system a reluctant department can indirectly control the HRC oversight by canceling work orders. Mr. Ward further pointed out that the only option he favors is a completely independent funding system that prevents departments from withholding funds to the HRC and influencing the process.

Ms. Sabrina Hernandez stated that from her experience in the field she believes that the HRC is not adequately funded because the number of contract compliance officers is not enough to monitor all City Contracts effectively.

The Chair asked the Committee to propose a recommendation that can be made to the Human Rights Commission..

Mr. Kennedy suggested that the Committee should consider the aggregate of the HRC budget now and funding of HRC contract review and monitoring should be proportional to use or projected size of Departments contracts. Mr. Chamorro supported this approach.

Commissioner Ward stated that he would feel much more comfortable taking a complete recommendation to the Commission. He suggested discussing language of recommendation further during the May 21st Committee meeting. He also instructed committee staff to work with Mr. Kennedy and Mr. Chamorro and have some solid figures to put in recommendation .

Item 6: Old /New Business:

Item 6 was continued until next meeting.

Public Comment:

Under Public Comment, the Chair welcomed a group of Visitors from the Iranian American Chamber of Commerce. They asked for advise from the committee on how they could participate in City projects. The Chair advised the Visitors to get in touch with some successful MBE and WBE firms in the certification program. He also advised them to seek mentor-ships with some of these firms. Commissioner Ward invited them to come back to the committee or the Commission any time. Other members of the committee advised them to attend HRC workshops and other MBE/WBE/LBE workshops organized by other City departments.

Item 7: Announcements:

Mr. Kennedy asked Chair if the visit of officials from San Jose could be put on the next agenda. The chair directed staff to put the San Jose visitors on next agenda.

Ms. Ma commended chair for comments she heard from public on how the Commissioner advocated at Commission meetings, for policies recommended by MBE/WBE/LBE Advisory Committee. The Chair stated that he respected the members of the committee and took their recommendations very seriously.

Next meeting will be held on June 18' 2003.

ITEM 8: Meeting Adjourned at 7:15P.M.

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

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Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

Date	Wednesday, May 21, 2003
Time	5:30 - 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

American Sign Language interpreters and a FM Amplification System provided upon request with 48 hours advance notice. Accessible parking available at the Civic Center Plaza Garage, the private lot adjacent to the building, and metered parking spaces. The closest accessible BART station is the Civic Center Station. The closest accessible MUNI Metro station is the Van Ness Station. Accessible MUNI lines are 6, 7, 42, 47, 49 and 71 lines. Accessible seating is available for persons with disabilities. Meeting proceedings available in alternative formats. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals. To make arrangements or for information, contact Mary Gin Starkweather at 415-252-2527 (voice) or 415-252-2550 (TTY/TDD).

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AGENDA

1. Call to Order and introductions.
2. Approval of Minutes of April 16, 2003 meeting.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item:
 - A. Discussion of Proposed Language For the Recommendation of an alternative Contract Compliance Staff Funding System to Replace Departmental Work Orders.
 - B. Issues to be Considered by Committee for the next 6 months.
6. Old/New Business: Visitors from San Jose.
Public Comment
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, June 18th, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Charles Ward
Co-Chair: Commissioner Shirley Dimapilis.
Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members: Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugada and Michael Silva. Frederick Richardson, Jim Mitchell, Priya S. Sanger.

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The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.

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Minutes Of May 21, MBE/WBE/LBE
Advisory Committee Meeting

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Commissioners Present: Charles Ward, Chair
Shirley Dimapilis, Co-Chair
Members Present: Sabrina Hernandez, James
Kennedy, Darlene Mar, Bayardo
Chamorro, Fred Richardson, Jim
Mitchell and Matthew Huey
Member Absent: Christina Bui, Ismael Pugeda,
Michael Silva, Bahram Khamenehpour,
Mohammad Herzallah and Priya Sanger.
Committee Staff Present: Bayard Fong and
Selormey Dzikunu.

Item 1: Call To Order and Introductions:
The quorum for the meeting was attained
at 5:35 p.m. The meeting was called to
order and all present introduced
themselves.

Item 2: Approval of Minutes:
The MBE/WBE/LBE Advisory Committee
minutes of April 16, 2003 was approved
with a suggested correction by Mr.
Bayardo Chamorro.

Item 3: Commissioner's Report:
There was no commissioner report.
Commissioner Ward requested the
presence of the Executive Director at
the next meeting of the Committee to
brief the members on the re-authorized
12D ordinance. The presence of the City
Attorney was also requested.

Item 4: Director's Report:
Selormey Dzikunu, reported on behalf
of the Director that the 12D Ordinance

has gone through the first hearing at the Board Of Supervisors and was expected to be passed by the board at 9:00 AM on Wednesday, May 28, 2003. A copy of the final draft was shown to the members of the Committee.

Ms. Darlene Mar suggested a review of the new ordinance should be put on the agenda for the June 18, Meeting.

Mr. Bayardo Chamorro inquired about the changes made by the board.

Mr. Selormey Dzikunu pointed out that the Human Rights Commission accepted all the recommendations from the Committee and included those recommendations in their 12 D. A re-authorization recommendations to the Board of Supervisors. At the Board of Supervisors, the recommendation to increase the economic threshold for the certification of goods/materials/equipment and general services suppliers to 10million dollars was amended in Committee to \$7,000,000.

Item 5. Work Order Funding - The HRC currently depends on 63 % Department work-order and 37 % General Fund support for its operations. Mr. James Kennedy provided the committee with a report on the committees proposed recommendation for an alternative, fair and stable funding of the HRC's oversight of City Departments. Mr. Kennedy pointed out that since the current budget process is already in place, the recommendations should be aimed the 2004/2005 fiscal year.

PART ONE

Part One of the report recommended that each department must be required to allocate a

fixed minimum percentage of its total budget to fund HRC oversight. This percentage or aggregate amount should be sufficient to cover HRC's Fixed cost plus minimum staffing requirements.

PART TWO:

Each Department which is required to use and/or elects to use HRC services, contributes a variable percentage or incremental funding allowance commensurate with the size and number of its projected contracts.

PART THREE:

- A) The HRC fixed cost and minimum staffing requirements is to be determined by the HRC Director.
- B) The fixed percentage of each department to be allocated is to be determined by the Director and the Mayors Budget Office.
- C) The variable percentage or incremental funding amounts for HRC services is to be determined by the HRC Director and the Mayors Budget Office.

Mr. Kennedy suggested that the fixed part of the funding should be pegged at 60 - 75 % .

Commissioner Ward pointed out that he prefers a funding system that removes any potential conflict of interest issues and adequately funds the HRC to perform its oversight role. Commissioner Ward made a motion to direct HRC staff to work with the City Attorney and HRC statistician to come up with a language and formula for an ordinance provision that the committee could recommend to the HRC and the Board of Supervisors to change the Work Order system of funding the HRC. The motion was seconded by Ms. Darlene Mar.

Commissioner Ward also requested a written narration that explains how the Work Order funding system has worked and the issues involved with using this system of funding HRC oversight.

Item 5(B): Issues and Discussion Items to be considered by committee for the next 6 Months

1. Discussion of Newly Re-authorized 12D Ordinance and Task Force to work on its Implementing Rules and Regulations.
2. Discussion of Rules and Regulations
3. Outreach Plan to Increase Pool of HRC certified firms
4. HRC Enforcement of Workforce Diversity.
5. Performance Review of City Departments on meeting the Mayors Goals.
6. Review application of City's Prevailing Wage Policy.

Item 6: Old/New Business: Visitors From San Jose.

Commissioner Ward introduced the committee to the members of the Small Business Committee from San Jose. The San Jose group stated that the City of San Jose currently has no program and the purpose of their visit was to learn how to re-establish their program. The Committee advised them to organize and get the political support of local political leaders, including members of the City Council, prospective Mayoral Candidates, City Attorney and the economically disadvantaged businesses in San Jose.

Committee members also advised them to start building a database of all Minority/ Woman Owned and Economically Disadvantaged Businesses.

Item 7: Commissioner Ward announced that the 12 D. A ordinance will be passed by the Board of Supervisors at 9:00 AM on May 28th, 2003. Committee members may attend ceremony in the Board Chambers at City Hall.

ITEM 8: ADJOURNMENT

The meeting was adjourned at 7:45 p. m.



City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

Date	Wednesday, June 18, 2003
Time	5:30 - 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and introductions.
2. Approval of Minutes of May 21, 2003 meeting.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item:
 - A. Discussion of Re-authorized 12D.A Ordinance.
6. Old/New Business: Establishment of Task Force for HRC Rules and Regulations.
Public Comment
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, July 16th, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Charles Ward
Co-Chair: Commissioner Shirley Dimapilis.
Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members: Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugada and Michael Silva. Frederick Richardson, Jim Mitchell, Priya S. Sanger.

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The Committee meets on the third Wednesday of the month at 5:30 p.m., 25Van Ness Avenue, 8th Floor.

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Minutes Of June 18, 2003 MBE/WBE/LBE
Advisory Committee Meeting

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Commissioners Present: Shirley Dimapilis,
Co-Chair

Members Present: Sabrina Hernandez, James
Kennedy, Darlene Mar, Fred
Richardson, Matthew Huey, Mohammad
Herzallah, Priya Sanger and Ismael
Pugeda.

Members excused: Christina Bui, Michael
Silva, Bahram Khamenehpour, Bayardo
Chamorro, Jim Mitchell.

Committee Staff Present: Bayard Fong,
Selormey Dzikunu and James Fields.

Item 1: Call To Order and Introductions:
The quorum for the meeting was attained
at 5:37 p.m. The meeting was called to
order at 5:40 p.m. and all present
introduced themselves.

Item 2: Approval of Minutes:
The MBE/WBE/LBE Advisory Committee
minutes of May 21, 2003 was approved.

Item 3: Commissioner's Report:
There was no commissioner's report.

Item 4: Director's Report:
Selormey Dzikunu, reported on behalf of
the Director on the re-authorized
12 D. A. Ordinance.

MBE/WBE/LBE ADVISORY COMMITTEE'S 12 D. A
REAUTHORIZATION RECOMMENDATIONS

The Committee adopted all staff
recommendations and recommended the
following:

1. Prompt Payment

The Committee voted to recommend a provision in the Ordinance for the Prompt Payment of undisputed invoices.

2. Contract Monitoring

The Committee voted to recommend the clarification and confirmation of awarding departments' responsibility to monitor compliance with the Ordinance during the course of a project.

3. Economic Threshold

The Committee voted to increase the following economic thresholds for the certification of local businesses.

- a) The economic threshold for the certification of businesses providing Professional Services should be increased from \$2million to \$2.5million.
- b) The economic threshold for the certification of Specialty Construction contractors should be increased from \$5million to \$7million.
- c) The economic threshold for the certification of suppliers should be increased from \$5million to \$10million.

THE RE-AUTHORIZED 12. D. A ORDINANCE

PROMPT PAYMENT.

1. SEC. 12 D. A. 7 (D) Page 55, Line 18 of the new Ordinance states:

" It is the City's policy that MBEs, WBEs and LBEs should be paid by the City within 30 days of the date on which the City receives an invoice from an MBE, WBE or LBE for work performed for the City. The Controller shall work with the Director and representatives of City departments to implement this City-wide prompt payment policy "

2. SEC. 12 D. A. 9. (10) Page 63, Line 19,
Powers and Duties Of Contract Awarding
Authorities states,

"Contracts in which subcontracting is used shall require the prime contractor to pay its subcontractors within three working days after receiving payment from the City unless the prime contractor notifies the Director in writing within 10 working days prior to receiving payment from the City that there is a bona fide dispute between the prime contractor and the subcontractor, in which case the prime contractor may withhold the disputed amount but shall pay the undisputed amount."

CONTRACT MONITORING

SEC. 12 D. A. 7 (C) Page 54, Line 21 states,

"Each request for payment to a City contractor submitted to the contract awarding authority shall be accompanied by a subcontractor participation form approved by the commission."

That form shall contain information that the commission has determined is necessary to enable the Commission and the Director (1) to monitor compliance by City departments and their prime contractors with their obligations under this ordinance (2) to determine whether City departments

are achieving their prime and subcontracting goals under this ordinance.... In the event that a request for payment fails to include the information required the contract awarding authority

shall, within two working days, notify the Director and the affected prime contractor(s).... If the Controller finds, after consultation with the Director and the notice and opportunity to be heard, that the information has not been provided, the Controller shall withhold 20 percent of the payment until the information is provided."

ECONOMIC THRESHOLDS

- 1) Professional Services and Architects and Engineers increased from \$2million to \$2.5million
- 2) Specialty Construction increased from \$5million to \$7million
- 3) Goods/Materials/Equipment and general services suppliers increased from \$5million to \$7million.
- 4) Line 19, Page 40, under Economic Disadvantage Definition, states:

"Any business under common ownership, in whole or in part, with any other business(s) shall be considered an "economically disadvantaged business" only if the aggregate gross annual receipts of all of the businesses under such common ownership do not exceed the limits specified in this section. All businesses owned by married spouses or domestic partners shall be considered under common ownership unless the businesses are in unrelated industries and no community property or other jointly owned assets were used to establish or are used to operate either business"

SOME OTHER CHANGES

1. Page 44 Line 19, under definitions, state:

"No business that is owned in part or in whole by a full time City employee or City officer shall be considered a "local business" or "local business enterprise (LBE)" within the meaning of this Ordinance".

2. The new Ordinance adds Prime General Services contracts to the subcontracting program. Page 41, Line 11 of the Ordinance defines general services as:

"General services contract" shall mean an agreement for those services that are not professional services. Examples of General services include: janitorial, security guard, pest control, parking lot management and landscaping services".

. Section 12 D. A. 11. (B) Purchasing contracts, Page 68, Line 17 states:

"Contract awarding authorities shall apply all bid discounts to all commodities contracts the estimated cost of which exceeds \$2500 and general services contracts the estimated cost of which exceeds \$10,000. . . .".

. The re-authorized Ordinance also clarifies the City's rights to audit both contractor and subcontractor records for 12 D. A. compliance.

. The Ordinance in addition clarified the HRC procedures for mediating and/or investigating contractor noncompliance.

Item 5. Discussion Item:

Re-authorized 12 D. A Ordinance

Ms. Darlene Mar had questions concerning the effectiveness of HRC staff in implementing the City's Prompt Payment Policy. Mr. Dzikunu pointed out that he had been in a meeting with the HRC Director and a City Department Head who was asked and agreed to comply with the City's prompt payment policy, by paying an HRC certified firm all undisputed invoices.

Mr. Huey stated that most small subcontractors in the construction business do not know who to contact when payment is delayed.

Mr. Dzikunu stated that the HRC Contract Compliance Officers assigned to City projects or Departments, address prompt payment issues in pre-bid conferences, pre-construction conferences, HRC workshops and as part of their duties when administering a contract.

Ms. Darlene Mar wanted to know if any City Departments have been exempted from the ordinance. Mr. Dzikunu replied No.

Mr. Pugeda asked what happens if a prime contractor does not get paid on time? And what is the penalty for late payment? He suggested City Departments should pay interest and this can be added to the new Rules and Regulations.

Item 6: Old/New Business: Establishment of a Task Force For HRC Rule and Regulations.

A Rules and Regulations Task Force was established. Members are Ms Darlene Mar, Ms. Priya Sanger, Mr. James Kennedy (tentative) and Mr. Pugeda (tentative).

Item 7: Mr. Kennedy announced that the San Jose visitors to the last committee meeting were impressed with the manner in which the committee conducted business and the cordiality of members.

ITEM 8: ADJOURNMENT

The meeting was adjourned at 6:30 p.m.

City and County of San Francisco



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Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
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Minority/Women/Local Business Enterprise Advisory Committee Meeting

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Date	Wednesday, July 16, 2003
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and introductions.
2. Approval of the Minutes of the June 18th, 2003 meeting.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item:
Discussion of Committee recommendations for modification of HRC Rules and Regulations.
6. Old/New Business: HRC Response to Civil Grand Jury Report.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, August 20th, 2003

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair:	Commissioner Charles Ward
Co-Chair:	Commissioner Shirley Dimapilis.
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members:	Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Puga and Michael Silva. Frederick Richardson, Jim Mitchell, Priya S. Sanger.

The MBE/WBE/LBE Community Advisory Committee advises the Commission and its staff on the implementation of the Minority/Women/Local Business Utilization Ordinance (Chapter 12D of the Administrative Code).

The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.

City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

DOCUMENTS DEPT.

SEP 15 2003

SAN FRANCISCO
PUBLIC LIBRARY

Date	Wednesday, September 17, 2003
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and introductions.
2. Approval of the Minutes of the July 16th, 2003 meeting.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item:
Discussion of Task Force and Staff recommendations for modification of HRC Rules and Regulations.
6. Old/New Business:
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, October 15, 2003

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Minority/Women/Local Business Enterprise Advisory Committee Meeting

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OCT 10 2003

SAN FRANCISCO
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Date	Wednesday, October 15, 2003
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and introductions.
2. Approval of the Minutes of the July 16th and August 20th 2003 meetings.
3. Commissioner's Report.
4. Director's Report:
5. Discussion and Possible Action Item: City Bonding Assistance Program.
6. Old/New Business: HRC Rules And Regulations.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, November 19, 2003

ABOUT THE COMMITTEE

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Co-Chair:	Commissioner Shirley Dimapilis.
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
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Minority/Women/Local Business Enterprise Advisory Committee Meeting

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AGENDA

1. Call to Order and introductions.
2. Approval of the Minutes of the September 17th and October 15th 2003, meetings.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item: Exemption of City Attorney from the City's 12D. Requirements.
6. Old/New Business: HRC Rules And Regulations and the City's Prevailing Wage requirements.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, December 17, 2003

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Human Rights Commission >> Committees >> Meeting Information >> M/W/LBE Meetings

City and County of San Francisco
Human Rights Commission**November 19, 2003**

MINUTES OF NOVEMBER 19, 2003 MBE/WBE/LBE ADVISORY COMMITTEE MEETING

Commissioners Present: Commissioner Ward

Members Present: Bayardo Charmorro, Sabrina Hernandez, Mohammad Herzallah,

Matthew Huey, James Kennedy, Bahram Khamenehpour, Darlene Mar, James Mitchell,
Ismael Pugeda, Fred Richardson, Priya Sanger and Michael Silva.

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Excused: Commissioner Dimapilis

APR 20 2004

Committee Staff Present: Bayard P. Fong and James F. Fields

SAN FRANCISCO
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Administration, Office of Labor Standards Enforcement, City and County of San
Francisco

Item 1: Call To Order and Introductions. The meeting was called to order at 5:45 p.m.

All members present. Commissioner Dimapilis was excused.

Item 2: Approval of Minutes

Amend minutes to include Darlene Mar reference to Small Business Commission as a
resource for Bonding Assistance Program. MSC Minutes approved as amended.

Item 3: Commissioner's Report:

Commissioner Ward reported that a letter dated and signed by Commission Chair
Malcolm Heinicke regarding City of San Francisco Bonding Assistance Program was sent
to the Treasurer and Controller's Office recommending acceptance of
recommendations from City of San Francisco Risk Manager to increase threshold of
Bonding Assistance Program \$380,000 to three million by leveraging at no addition
cost or risk to City.

Item 4: Director's Report

Mr. Fields indicated there was no Director's Report.

Item 5: Discussion Item. Exemption of City Attorney from City's 12D Requirements

Passed until January 21, 2003 Committee Meeting. Background information

distributed to members.

Break for Refreshments

Item 6: Old/New Business: HRC Rules and Regulations and the City's Prevailing Wage Requirements

MWLBEAC Minutes 11/19/03

12/2/03

Page 2.

Ms. Donna Levitt, Labor Standards Compliance Officer re-introduced herself and distributed an Office of Labor Standards Enforcement, Mission Statement document which states,

OFFICE OF LABOR STANDARDS ENFORCEMENT

OUR MISSION

The mission of the Office of Labor Standards Enforcement is to ensure that public works contractors comply with prevailing wage and other labor standards regulations contained in the City Charter and Chapter 6 of the San Francisco Administrative Code.

OUR RESPONSIBILITIES

- Educate contractors and their employees about prevailing wage requirements, apprenticeship standards, and other labor standards.
- Ensure that posters containing information about prevailing wages including the hotline number for filing complaints are displayed on City jobsites.
- Monitor jobsites and interview employees regarding rates of pay and the craft jurisdiction of work performed.
- Review certified payroll records, inspector's logs, sign-in sheets, and employee paychecks to verify proper payment of prevailing wages, appropriate classification of workers, correct payroll deductions, adherence to apprenticeship regulations, and other labor standards.
- Investigate discrepancies and complaints in coordination with project managers, the City Attorney's office.
- Ensure that San Francisco's many diverse communities are treated fairly in the enforcement process.

For additional information please contact (415) 554-6235.

Ms. Levitt gave an overview of the size of staff, the volume of complaints reviewed by the Office of Labor Enforcement and she described the level of work currently being performed.

There was discussion about the different duties of HRC and 12D.A
Contract Compliance duties

And Labor Standards Enforcement. The following opinion was issued
by the City Attorney

October 22, 2003. The document was issued to the members and
discussed afterwards.

MWLBEAC Meeting

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Page 2.

TO: Charles Ward, Co Chair

Shirley Dimapilis, Co Chair

M/W/LBE Advisory Committee

FROM: Catharine S Barnes

Deputy City Attorney

DATE: October 22, 2003

RE: HRC's Authority to Issue Regulations Concerning Prevailing
Wages

Question Presented:

May the Human Rights Commission issue regulations concerning the City's prevailing
wages laws?

SHORT ANSWER:

No. The Human Rights Commission has no authority to monitor or enforce the City's
prevailing wages laws and therefore has no authority to issue regulations that would

authorize the Human Rights Commission to interpret or monitor the enforcement of the prevailing wage laws. The Human Rights Commission is charged with monitoring and enforcing the Local Hiring program, and, as with any City program, has authority to investigate whether the City enforces its prevailing wages laws in a discriminatory manner.

Discussion:

San Francisco Charter Section A7.204 sets forth requirements for contracts for city public works. More specifically, Section A7.204 addresses the working conditions for persons working on these contracts. Section A7.204(b) requires that any person performing labor on a public work project "shall be paid not less than the highest general prevailing rate of wages in private employment for similar work."

The ordinances implementing the Charter's prevailing wages requirement are set forth in Chapter 6 of the Administrative Code. Under these requirements, the Board of Supervisors annually fixes and determines the highest general prevailing rate of wages, based on data furnished by the Civil Service Commission and other evidence. (S.F. Admin. Code Section 6.22(E)). Contractors and subcontractors are required to pay all persons performing labor on the public work at least these "prevailing wages" and to keep accurate records demonstrating their compliance. (S.F. Admin. Code Section 6.22(E)(1), (5), & (6)). A contractor or subcontractor

MWLBEAC Meeting

11/19/03

Page 3.

who fails to pay "prevailing wages" is subject to penalties, including daily fines for the period of underpayment and debarment. (S.F. Admin. Code Section 6.22(E)(7)).

The Office of Labor Standards Enforcement, within the Department of Administrative Services, is responsible for monitoring and enforcing the prevailing wages requirement. (S.F. Admin. Code Section 6.24(A)). The Labor Standards Enforcement Officer, appointed by the Mayor, must "develop and administer a plan for the enforcement of the prevailing wage requirements and other labor standards imposed by the Charter and [Chapter 6] on public work contractors." (*Ibid.*) In addition, the Labor Standards Enforcement Officer must establish an administrative procedure to address allegations of labor standards violations. (S.F. Admin. Code Section 6.24(C)). The Administrative Code also gives the Labor Standards Enforcement Officer "sole authority" over the administration of complaints procedures. (*Ibid.*) Finally, the contract awarding department for the public work at issue has concurrent authority with the Office of Labor Standards Enforcement to monitor and enforce compliance with the prevailing wages laws for that project. (S.F. Admin. Code Sections 6.22(E)(6), 6.22(E)(7), & 6.24(A)).

Neither the Charter nor Administrative Code gives to the Human Rights Commission an oversight role in monitoring or enforcing the prevailing wages laws. As noted above, Chapter 6 confers monitoring and enforcement authority for the prevailing wages laws to the Office of Labor Enforcement and the contract awarding authority. The Charter authorizes the Human Rights Commission to "implement the provisions of ordinances prohibiting discrimination in contracts" and to "study, investigate, mediate and make recommendations with respect to ...intergroup tensions and discrimination," SF Charter Sections 4.107(4), (5). Similarly, the powers and duties conferred to the Human Rights Commission in Chapter 12 of the Administrative Code target discriminatory practices. (SF Admin Code Sections 12A.3, 12B.1, 12C.1, 12D.A.3.)

The prevailing wages requirements are not "ordinances prohibiting discrimination" within the meaning of the Charter. They are labor standards requirements governing the terms and working conditions of persons working on City public works projects. Accordingly, the Human Rights Commission may not adopt regulations concerning the City's prevailing wages requirements. Nor may it require the Office of Labor Standards Enforcement to update, or report to the HRC concerning a contractor's compliance with these requirements. Where appropriate,

MWLBEAC Meeting

11/19/03

Page 4.

the Human Rights Commission may, under its Charter authority "to study, investigate, mediate and make recommendations with respect to ...intergroup tensions and discrimination," investigate whether the City is administering or enforcing the "prevailing wages" requirements in a discriminatory manner.

The Human Rights Commission does, however, have authority to monitor and enforce the City's "Local Hiring" laws, and to issue reasonable regulations in furtherance of this authority. (SF Admin Code Section 6.22(G)). The "Local Hiring" program implements the City's requirement that public works contractors make a good-faith effort to employ City residents on public works construction work forces. (*Ibid.*) While the Human Rights Commission and the Office of Labor Enforcement might benefit from working cooperatively in their respective enforcement of the prevailing wages requirements and the local hiring program, neither entity is legally required to do so. Nor can either issue regulations forcing the other to do so.

If you have further questions about the matters discussed in this opinion, please do not hesitate to contact me.

C.S.B.

Mr. Fields called the members attention to a memorandum prepared by Bayardo Chamorro following the publication of the above opinion.

Memorandum

Date: November 14, 2003

To: James Fields

Cc:

From: Bayardo J. Chamorro

Re: Rules & Regulations

I would propose that there be language in the Rules & Regulations as follows;

Certified M/LBE Firms must comply with HRC chapter 12B non-discrimination and work force diversity program along with adherence to the Board of Supervisors Resolution #809-82 regarding prevailing wage.

Non compliance with these provisions may result in de-certification.

Additionally, in SECTION12D.A5 DEFINITIONS: We propose the following:

Graduated Registered Firms Registry, shall list all qualified Firms and the Registry be updated quarterly and made available via a visible entry on the HRC M/LBE web site and to all contract awarding agencies.

Please review and comment. Thank you for your attention to this matter.

Commissioner Ward instructed staff to forward the memorandum to the City Attorney.

During Ms. Levitt's remarks a questions was raised about the number on minority and non-minority firms being investigated. Commissioner Ward asked Ms. Levitt to prepare a list of complaints investigated by the Office of Labor Standards Enforcements and Committee staff will research the number of HRC certified minority and women owned firms on the list.

There was ongoing discussion however a recommendation was made to table further discussion until the next meeting.

Item 7: Mr. Fields inquired about the Committee's interest in planning a holiday celebration. The members declined. Since the next Committee meeting is scheduled for December 17th, a motion was made, seconded and approved to cancel the December meeting due to the closeness of the December 25th holiday.

Announcements: Mr. Fong briefly described his recent trip to Cincinnati, OH. for the American Contract Compliance Officers Association (ACCA) conference wherein he participated in four days of workshop education and training. Mr. Fong has attended several ACCA conferences throughout the country and has earned a Masters of

Contract Administration through ACCA. Committee members congratulated Mr. Fong for his achievement and commitment to the HRC programs.

MWLBEAC Meeting

11/19/03

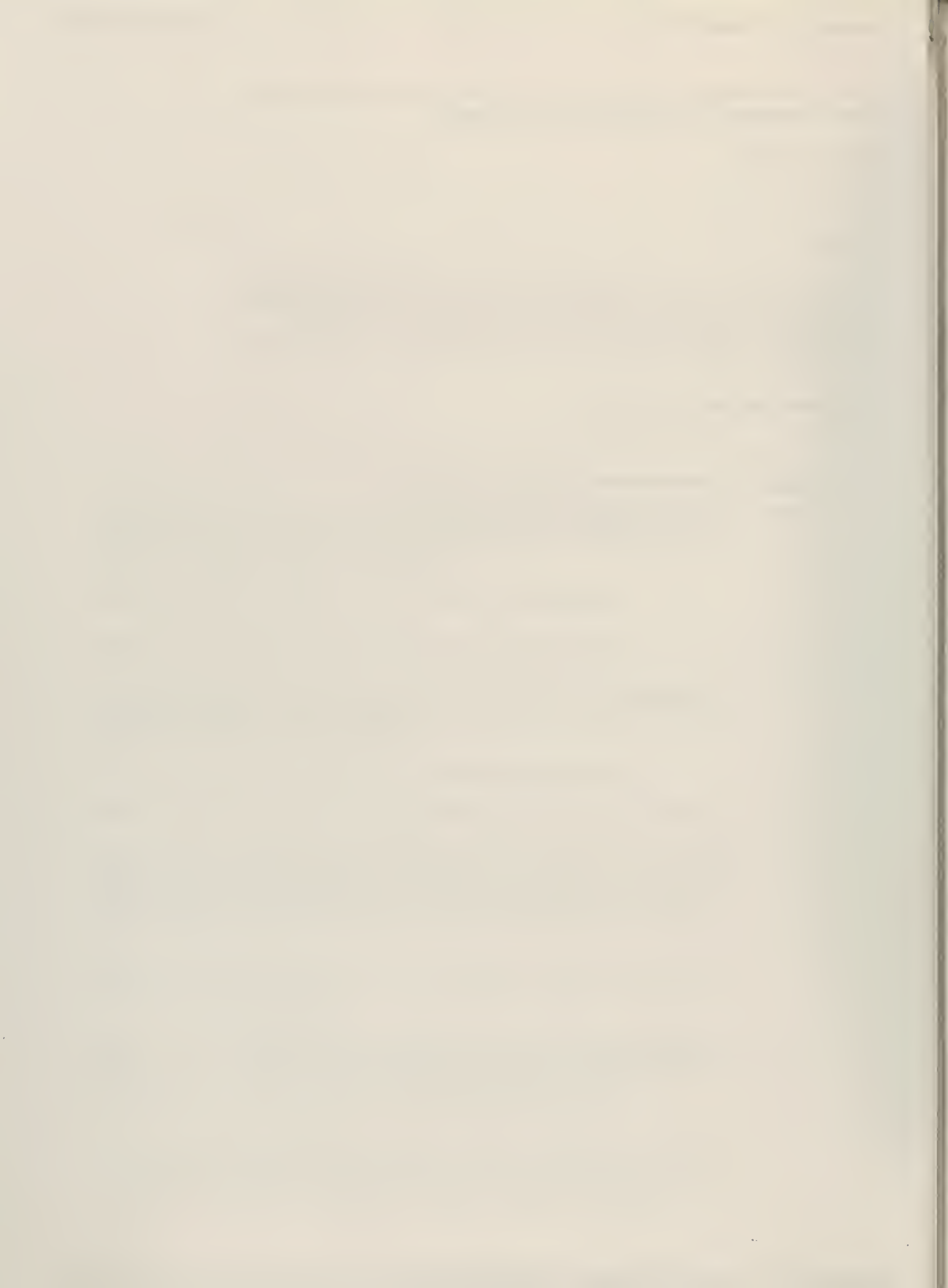
Page 6.

Mr. Fong made a presentation about the Martin Luther King Labor Unity Breakfast that will be held Monday, January 19, 2004 at the Golden Gateway Holiday Inn located at 1500 Van Ness Avenue at Pine Street. The HRC staff is organizing a table for Commissioners, Committee Members and Staff. Interested persons should contact Mr. Fong at (650) 821-5346.

The meeting was adjourned at 7:15 p.m.

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City and County of San Francisco



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A G E N D A

DOCUMENTS DEPT.

Date	Wednesday, January 21, 2004
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

JAN 16 2004

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AGENDA

1. Call to Order and introductions. HAPPY NEW YEAR
2. Minutes of December Meeting – December Meeting Cancelled.
3. Commissioner's Report.
4. Director's Report:
5. Discussion Item: Exemption of City Attorney from the City's 12D requirements.
6. Old/New Business: HRC Rules And Regulations and the City's Prevailing Wage requirements.
7. Announcements
8. Adjournment

NEXT MEETING: Wednesday, February 18, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair:	Commissioner Charles Ward
Co-Chair:	Commissioner Shirley Dimapilis.
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members:	Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugeda and Michael Silva. Frederick Richardson, Jim Mitchell, Priya S. Sanger.

The MBE/WBE/LBE Community Advisory Committee advises the Commission and its staff on the implementation of the Minority/Women/Local Business Utilization Ordinance (Chapter 12D of the Administrative Code).

The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.



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Human Rights Commission >> Committees >> Meeting Information >> M/W/LBE Meetings



City and County of San Francisco
Human Rights Commission



January 21, 2004 (Approved)

These minutes were approved by Committee vote on February 18, 2004

Minutes: January 21, 2004 MBE/WBE/LBE ADVISORY COMMITTEE
MEETING

Commissioners Present: Charles Ward, Co-Chair, Shirley Dimapilis, Co-Chair

Members Present: James Kennedy, Darlene Mar, Ismael Pugada, Sabrina Hernandez, Bayardo Chamorro, Bahram Khamenehpour, Matthew Huey and Jim Mitchell.

Members not present: Mike Silva, Mohammad Herzallah, Fred Richardson and Priya Sanger.

Committee Staff Present: James F. Fields and Selormey Dzikunu

Guest: Stanley Chan, President, Asian American Contractors Association

ITEM 1. Call to Order & Introductions: The meeting was called to order at 5:40pm.

ITEM 2. Commissioner's Report: Commissioner Ward inquired about the list of Contractors audited by the Office of Labor Standards Enforcements as discussed at the November, 2003 Committee meeting.

Darlene Mar referred to the November 2003 minutes regarding Donna Levitz providing some information. James Fields responded that Donna Levitz, Labor Standards Enforcement Officer who attended the November meeting and she did provide the requested information of the audits that they have conducted. The list is broken down into various categories, by random complaints. Mr. Fields stated that he received the information on January 19, 2004 and has not had the opportunity to delineate the list to determine which are the MBE's and WBE's. He noted that it would just be straightforward once he gets it all down.

Darlene Mar said that it was fine for Mr. Fields to complete the report and she was making sure that Ms. Levitz did provide the information that was requested. Mr. Fields confirmed that she did.

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Commissioner Ward asked Commissioner Dimapilis if she had any report to give. Commissioner Dimapilis had no report. Commissioner Ward asked James Fields and Selormey Dzikunu if there were any other report that he should know about and give that are relevant to the Committee.

Selormey pointed out that at the last Commission Meeting, Jonnie Robinson was honored by the Commission. Commissioner Ward noted that Jonnie Robinson was no longer employed by the City because of the change of administration. Commissioner Ward asked if the Staff know of the new person from the Mayor's Office that would be working and assigned to each Commission. James Fields stated that he only knows of the person who led the advance transition team. Her name is Clementina Clark, the Chair of the San Francisco Department of Social Services Commission.

Ms. Mar pointed out that she has received an e mail stating that there is an opening for a MWBE Advisory Committee member. Mr. Fields responded that it is the annual advisory committee recruitment time that starts at the end of the year. He noted that the applications are taken through January and make selections through the Committee by the month of March. Commission Ward asked how many vacancies does this particular Committee have? Mr. Fields pointed out there is no size limit to the Committee, and that they have received 2 resumes. Mr. Fields also noted that the existing Committee members would also need to submit a notice of their intentions of continuing with the Committee. Mr. Fields pointed out that the Commission sent out a general notice announcing all of its Advisory Committee members and to the public that all the Advisory Committees were recruiting. Commissioner Ward asked how could the current members respond to express their intentions to remain a member. Mr. Fields stated that it is the annual recruitment period and the Staff will be responsible of notifying the members of the Committee to submit their notice of intent to continue. Mr. Fields noted that he would be sending out the notice to the MWBE Committee. He said that the intent to continue should be in writing. Emailing the intent to continue would be sufficient. Commissioner Ward asked to make sure that all Committee members get a notice. Mr. Fields noted that if you would like to send along a copy of your updated resume along with your letter or e-mail of your intent to continue. It would be accepted.

ITEM 3. Director's Report: James Fields stated that there is no Director's Report. Commissioner Ward pointed out that he would like to have the Director attend the meeting once in a while. Mr. Fields noted that on behalf of the Director, the Staff acts in the Director's stand in, if there were such a report. He stated that he could report on the last Commission's meeting, but there were no relevant information to report.

James Fields noted that at the last Commission meeting there were a report from Roel Villacarlos, HRC Staff on the progress of this Commission has made during Mayor Brown's administration. He also said that there were other power point presentations at the meeting from other Committees. He also pointed out that Jonnie Robinson, Special Assistant to the Mayor, received an acknowledgement from the Human Rights Commission for the work that she has done with the Commission. Ms. Robinson will be missed for her support and guidance.

Commissioner Ward added that there will be another Commissioner joining the MWBE Committee as Vice-Chair, he is Commissioner Khaldoun Bagdadhi. Commissioner Ward asked Staff if they were aware of this information. Mr. Fields stated, yes. Ms. Mar asked about voting issues. Commissioner Ward said that the way that it ought to work is that if a Commissioner is a member of a Committee that they should be able to vote. He said that the Committee had only had voice votes and that he has not taken part in the voting. Commissioner Ward asked if there were any rules for this particular Committee? Mr. Fields stated that there are standing rules for Committees. Commissioner Ward noted that Commissioners does not have any different status on the Committee than the members of the public. He said that the assumption is that you act as a Committee member. He said unless otherwise, this is what they will operate by. He said that he would personally be inclined to let the members have the last say on the vote.

ITEM 4: Discussion Item: Exemption of City Attorney from the City's 12D requirements. Commissioner Ward asked how this got into the agenda? Ms. Mar stated that she was interested in this issue. Commissioner Ward pointed out this amounts to a partial exemption and that he believes the City Attorney are to be required to contract out the City's legal work based on the lowest bidder. They are saying that the City's legal work is too important based on cost considerations. They are looking for the best legal talent. Commissioner Ward pointed out that this is similar to sole source contracts. Mr. Pugeda pointed out that the selections of their consultants in the legal field are based on qualifications. Selormey also pointed out that this come under the professional contracts, and does not go under bidding process. There is a panel that looks at the qualifications. Mr. Fields noted that once the panel has selected the qualified firm to do the work based on the criteria and rank, and then this is where the 12D comes in. Local firms would benefit from a bid discounts and a potential for subcontracting goals. Once the highest scoring firm is selected then they go into a process called negotiations, where the actual cost is discussed.

Mr. Fields noted that since the inaugurations of the new mayor, Gavin Newson, in a newspaper article, Mayor Newson stated that he wants all contracts to be competitively bid. He pointed out that he is one of the HRC Staff that reviews and make recommendations on the waivers. Mr. Fields stated that he hasn't made any decisions since the newspaper

article was printed. Mr. Fields pointed out that the reason he brought this up was because the City Attorney's is sole sourcing its contracts and this is an agenda item. Commissioner Ward pointed out that the City Attorney's office makes the greatest possible outreach to all segments of the local legal community to make latitude and not be encumbered by the process that slows them down. The selection criteria and identity experts are confidential. Commissioner Ward noted that the City Attorney's office has been defending the ordinance. Commissioner Ward asked if there were any departments that meet contracting goals? Commissioner Ward asked if there's a recommendation to be framed to send to the Commission? He stated that the Human Rights Commission could request to the Board of Supervisors to seek outside counsel to interpret this issue. Commissioners pointed out that the Supervisors work for the people, they are elected by the people. Ms. Hernandez made a motion to table the discussion. James Fields noted that in the October meeting when the information was first presented, he asked for the package to be reviewed mainly because the Committee for Civil Rights, made the argument that the City Attorney's Office is not exempt from 12D. Commissioner Ward pointed out that no where it says that it does not give work to minority firms or people. Commissioner Ward pointed out that he would be happy to entertain any motion for a recommendation to the full Commission on the topic. Commissioner Ward stated that if they could get Dennis Herrera, not a Staff Attorney, he would draft a letter with his signature inviting him to discuss the issue. Mr. Fields pointed out that the timing might not be appropriate due to the fact that the City Attorney's Office is currently representing the Commission on three (3) issues and it would probably be more appropriate to follow Ms. Hernandez's motion. Commissioner Ward asked all those in favor, to table the matter , to say "ay". All was in favor and the matter is tabled.

ITEM 5 Old/New Business - Mr. Fields asked if the item on Rules and Regulations City Prevailing Wage Requirements be discussed because a guest, Stanley Chan, who is the president of the Asian American Contractor Association, who wasn't able to stay long for the meeting, responding to Bayardo's November memo and the letter is a rebuttal. Mr. Fields asked that everyone take time to read the letter addressed to Ms. Clem Clark of the Small Business Enterprises. Commissioner Ward asked what should the Advisory do? Mr. Fields noted just for follow-up under the old/new business on the agenda. Commissioner Ward invited others to make comments, if any. He feels that the Committee should not spend too much time discussing the issue. He believes that actions have been taken on this and the City Attorney has not responded. He also believed that the letter should not have gone to the Mayor's Transition Team. Commissioner Ward stated that the Advisory would ask the City Attorney to look into it whether or not it would be within the Commission's jurisdiction. For the record, Commission Ward asked that a letter with signature be sent to the City Attorney reminding

them for their respond on the matter. Ms. Mar asked if they should hear more from the public? Commissioner Ward pointed out to everyone that the Committee cannot have this kind of discussion every time. Commissioner Ward had to leave and turned over the meeting to Commissioner Dimapilis. Commissioner Dimapilis made a motion to adjourn and all was in favor.

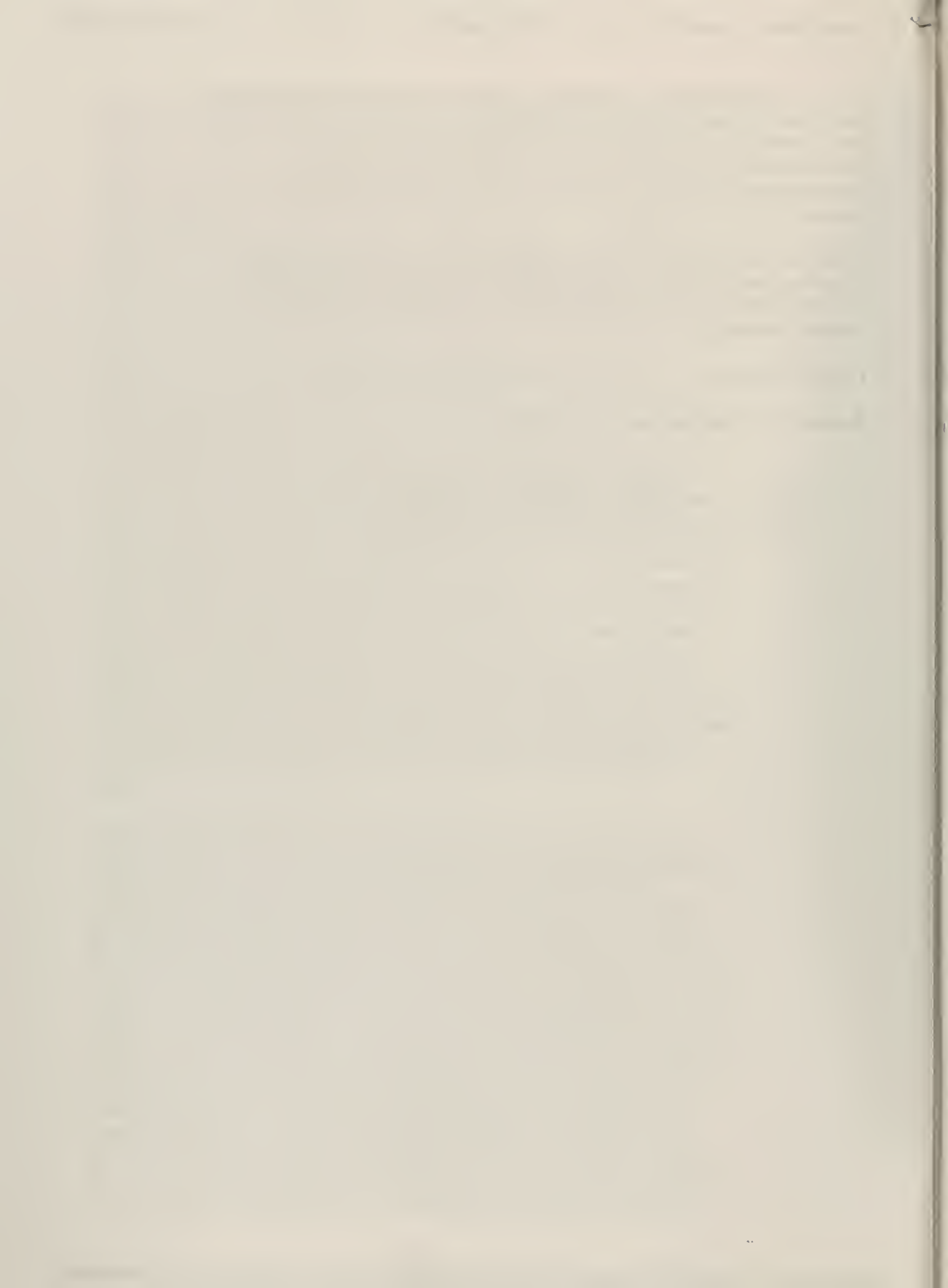
ITEM 6: Announcement - Ms. Hernandez presented an article from the Chronicle about city contracting. James Fields stated that he will be providing copies of the sole source articles for review and to discuss at the next meeting.

ITEM 7: Adjournment. The Meeting was adjourned at 7:15pm.

Respectfully submitted by: James Fields

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Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

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FEB 12 2004

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THIS IS A PUBLIC MEETING. AT THE DISCRETION OF THE CHAIR, PUBLIC COMMENT MAY BE HEARD AFTER COMMITTEE DISCUSSION OF A SPECIFIC ITEM ON THE AGENDA.

AGENDA

1. Call to Order and introductions
2. Approval of the Minutes of January 21, 2004 meeting
3. Commissioner's Report
4. Director's Report:
5. Old Business: Action Item, Adoption of Chapter 12 D.A. Rules and Regulations
6. New Business: Action Item, Resolution honoring Mr. Harold T. Yce, Civic Leader
7. New Business: Discussion Item, Increasing Pool of HRC Certified MBE and WBE Contractors
8. Announcement: MWLBEAC Committee Interviews
9. Adjournment

NEXT MEETING: Wednesday, March 17, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Charles Ward
Co-Chairs: Commissioner Shirley Dimapilis, Khaldoun Bagdadhi
Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members: Christina Bui, Bayardo Chamorro, Mohammed Herzallah, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugada, Michael Silva, Jim Mitchell, and Priya S. Sanger.

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Gavin Newsom
Mayor

Contract Compliance
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Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

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MAR 15 2004

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AGENDA

1. Call to Order and introductions
2. Approval of the Minutes of February 18, 2004 meeting
3. Commissioner's Report
4. Director's Report:
5. New Business: Discussion Item: Review Committee Rules
6. Old Business: Discussion Item: Office of Labor Standards Enforcement Audits
7. Old Business: Discussion Item: Increasing Pool of MBEs/WBEs
8. Announcement:
9. Adjournment

NEXT MEETING: Wednesday, April 21, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

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Co-Chairs:	Commissioner Shirley Dimapilis, Khaldoun Bagdadhi
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
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Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

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AGENDA

1. Call to Order and Introductions
2. Approval of the Minutes March 17, 2004 meeting
3. Commissioner's Report
4. Director's Report:
5. New Business: Discussion Item: MWLBE Quarterly Report
Roel Villacarlos, Contract Compliance Officer
6. Old Business
7. Announcement
8. Adjournment

NEXT MEETING: Wednesday, May 17, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Khaldoun Bagdadhi
Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.
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Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

DOCUMENTS DEPT.

Date	Wednesday, May 19, 2004
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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AGENDA

1. Call to Order and Introductions
2. Approval of the Minutes April 21, 2004 meeting
3. Commissioner's Report
4. Director's Report:
5. New Business: Discussion Item: MWLBEAC Goals for 2004
6. Old Business: MWLBEAC Quarterly Report – May 2004
7. Announcement: MWLBEAC Vacation Schedule
8. Adjournment

NEXT MEETING: Wednesday, June 16, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair:	Commissioner Khaldoun Bagdadhi, Commissioner Yoel H. Kahn Commissioner Vernon Griggs III
Committee Staff:	James F. Fields, Bayard Fong and Selormey Dzikunu.
Current Members:	Bayardo Chamorro, Jim Fong, Mohammed Herzallah, Sabrina Hernandez, Matt Huey, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Pugeda, Michael Silva, Jim Mitchell, Priya S. Sanger, Revel Paul, Michael S. N. Mah, Fredrick Shumate, Sarah Lyu and Robert Mitchell Twomey.

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Gavin Newsom
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Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minutes

**NOTE: THIS IS A DRAFT UNTIL REVIEWED AND APPROVED
AT THE NEXT MWBE COMMITTEE MEETING**

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Minutes: May 19, 2004 **MBE/WBE/LBE ADVISORY
COMMITTEE MEETING**

JUN 11 2004

Commissioners Present: Khaldoun Baghdadi, Vernon C. Grigg, and Yoel Kahn

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Members Present: Bayardo Chamorro, Jim Fong, Sabrina Hernandez, James Kennedy, Bahram Khamenehpour, Sarah Lyu, Michael Mah, Darlene Mar, Revel Paul, Ismael Pugeda, Priya Sanger, Michael Silva, Robert Twomey and Carole Cresci Colbert.

Members Not Present: Matthew Huey, Mohammed Herzallah, , and Frederick Shumate.

Committee Staff Present: James F. Fields, Selormey Dzikunu and Bayard Fong

Guest: Ms. Darolyn Davis – Davis & Associates Public Relations, LLC

ITEM 1 Call to Order & Introductions: The meeting was called to Order at 5:37pm. A quorum was present. Commissioner Baghdadi called for introductions and recognized two (2) new members, Mr. Robert (Bob) M. Twomey and Ms. Carole Cresci Colbert.

ITEM 2 Approval of the Minutes of April 21, 2004 meeting: The minutes was accepted and approved.

ITEM 3 Commissioner's Report: Commissioner Baghdadi reported on Schram v. City and County of San Francisco hearing on April 27, 2004.

ITEM 4 Director's Report: Mr. Fields reported that HRC is reviewing numerous Requests for Proposals (RFP's) from various City departments due to change in City sole source waiver practices prompted by Mayor Gavin Newsom.

ITEM 5 New Business: Discussion Item: MWLBEAC Goals for 2004
Committee members volunteered to pursue two (2) Task Force initiatives:

Mentoring Task Force: Bayardo Chamorro, Sarah Lyu, Michael Ma, Carole Cresci Colbert and Darlene Mar.



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Unsuccessful Bidder Task Force: Commissioner Grigg, Commissioner Kahn, Priya Sanger, Darlene Mar, Sabrina Hernandez, Bob Twomey and Sarah Lyu.

ITEM 6

Old Business: MWLBEAC Quarterly Report – May 2004

Per the Committee's request, Mr. Fields distributed the May 2004 Report to the members. Mr. Fields recommended that in order to avoid detailed statistical discussion, he asked members if they have any questions he asked them to e mail it to him and he will forward them to Roel Villacarlos, HRC Staff for the answers and accurate response.

ITEM 7

Announcement: MWLBEAC Vacation Schedule

Mr. Fields announced and reminded members that the Committee doesn't hold meetings for the month of July. Commissioner Baghdadi stated he would make a decision whether a meeting will be held in July.

ITEM 8

Adjournment: The Meeting was adjourned at 7:12pm.

Respectfully submitted by: James Fields



Gavin Newsom
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

Minority/Women/Local Business Enterprise Advisory Committee Meeting

A G E N D A

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Date	Wednesday, June 16, 2004
Time	5:30 – 7:30 PM
Location	Human Rights Commission 25 Van Ness Avenue, 8 th Floor San Francisco, CA 94102

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16/04
American Sign Language interpreters and a FM Amplification System provided upon request with 48 hours advance notice. Accessible parking available at the Civic Center Plaza Garage, the private lot adjacent to the building, and metered parking spaces. The closest accessible BART station is the Civic Center Station. The closest accessible MUNI Metro station is the Van Ness Station. Accessible MUNI lines are 6, 7, 42, 47, 49 and 71 lines. Accessible seating is available for persons with disabilities. Meeting proceedings available in alternative formats. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals. To make arrangements or for information, contact Mary Gin Starkweather at 415-252-2527 (voice) or 415-252-2550 (TTY/TDD).

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This Ordinance assures that deliberations are conducted before the people and the City operations are open to the public's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the Ordinance, contact the Sunshine Ordinance Task Force at 415-554-6171.

ATTENTION: Individuals and entities that influence or attempt to influence legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #801, San Francisco, CA 94102, telephone 415-554-9510, fax 415-554-8757, and web site <http://www.ci.sf.ca.us/ethics/>.



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MBE/WBE/LBE COMMITTEE MEMBERS: IF YOU ARE NOT ABLE TO ATTEND THE MEETING, PLEASE NOTIFY JAMES FIELDS AT 650-821-7796. THREE ABSENCES MAY RESULT IN REMOVAL FROM THE COMMITTEE.

THIS IS A PUBLIC MEETING. AT THE DISCRETION OF THE CHAIR, PUBLIC COMMENT MAY BE HEARD AFTER COMMITTEE DISCUSSION OF A SPECIFIC ITEM ON THE AGENDA.

AGENDA

1. Call to Order and Introductions
2. Approval of the Minutes May 19, 2004 meeting
3. Commissioner's Report
4. Director's Report
5. New Business: Discussion Item: Unsuccessful Bidder Task Force and Mentorship Task Force
6. Old Business
7. Announcement
8. Adjournment

NEXT MEETING: Wednesday, July 21, 2004

ABOUT THE COMMITTEE

Minority/Woman/Local-owned Business Enterprise Community Advisory Committee

Chair: Commissioner Khaldoun Bagdadhi,
Commissioner Yoel H. Kahn
Commissioner Vernon C. Grigg III

Committee Staff: James F. Fields, Bayard Fong and Selormey Dzikunu.

Current Members: Bayardo Chamorro, Carole Cresci Colbert, Jim Fong, Mohammed Herzallah, Sabrina Hernandez, Matt Huey, James Kennedy, Bahram Khamenehpour, Darlene Mar, Ismael Puga, Michael Silva, Jim Mitchell, Priya S. Sanger, Revel Paul, Michael S. N. Mah, Fredrick Shumate, Sarah Lyu and Robert Mitchell Twomey.

The MBE/WBE/LBE Community Advisory Committee advises the Commission and its staff on the implementation of the Minority/Women/Local Business Utilization Ordinance (Chapter 12D of the Administrative Code).

The Committee meets on the third Wednesday of the month at 5:30 p.m., 25 Van Ness Avenue, 8th Floor.

